

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**RAYMOND LEO LEMAIRE, JR.**

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**CRIMINAL NO. 6:11-cr-00073-LED-JDL**

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On December 17, 2014, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Raymond Leo Lemaire, Jr. The government was represented by Jim Noble, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Jeff Haas.

On April 25, 2012, Defendant was sentenced before U.S. District Judge Leonard Davis after pleading guilty to the offense of Failure to Register Under the Sex Offender Registration and Notification Act, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 10 and a criminal history category of V, was 21 to 27 months. Defendant was sentenced to 21 months imprisonment and 5 years supervised release, subject to the standard conditions of release, including, in pertinent part, that Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. On November 5, 2012, Defendant completed the term of imprisonment and began his period of supervised release.

In its petition, the government alleges in pertinent part that Defendant violated the terms of supervised release when Defendant failed to answer truthfully as to inquiries by the probation officer regarding his consumption of alcohol, and his association with other convicted felons.

Therefore, should the Court find by a preponderance of the evidence that Defendant violated the terms of his supervised release, Defendant will be guilty of committing a Grade C violation. U.S.S.G. § 7B1.3(a)(2) indicates that upon a finding of a Grade C violation, the Court may: 1) revoke probation or supervised release; or 2) extend the term of probation or supervised release and/or modify the conditions of supervision. Considering Defendant's criminal history category of V, the Guideline imprisonment range for a Grade C violation is 7 to 13 Months. U.S.S.G. § 7B1.4(a).

At the December 17, 2014 hearing, Defendant pled true to the allegation above. The government recommended that Defendant be committed to the Bureau of Prisons at FCI Texarkana for 7 months with 2 years of supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Raymond Leo Lemaire, Jr. be committed to the custody of the Bureau of Prisons at FCI Texarkana for 7 months with 2 years of supervised release to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Leonard Davis for adoption immediately upon issuance.

**So ORDERED and SIGNED this 9th day of January, 2015.**

  
JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE